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Hon. Michael K. Powell, Chairman
Hon. Kathleen Q. Abernathy, Commissioner
Hon. Michael J. Copps, Commissioner
Hon. Kevin J. Martin, Commissioner
Hon. Jonathan S. Adelstein, Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Verified Comments of Mike Gondar on Behalf of Forte Communications, Inc.
regarding SBC's Application for Provision of In Region, InterLata Services in
Illinois, WC Docket No. 03-167*

Dear Chairman Powell and Commissioners:

Forte Communications, Inc. ("Forte") hereby provides comments to the Federal Communications Commission ("FCC") regarding the application of SBC Communications, Inc. ("SBC") for authorization to provide in-region interLATA service in Illinois. The purpose of these comments is to provide a basis for Forte's opposition to the granting of SBC's application.

Forte Communications, Inc. ("Forte") is a competitive local exchange carrier that has been licensed in Illinois since 1995. Forte currently provides residential voice service to customers via UNE-P, although Forte is currently in the market for a new telecommunications switch in order to self-provision services to its end users.

Forte was a participant before the Illinois Commerce Commission (“ICC”) and its investigation of SBC’s compliance with Section 271 of the Telecommunications Act of 1996.¹ Forte provided data and discussion regarding several areas of SBC’s OSS that negatively impacts Forte’s ability to compete with SBC in Illinois on equal footing.

47 USCS §271(c)(2)(B) puts forth 14 checklist items that must be satisfied. Of particular importance to Forte is SBC’s obligation to provide nondiscriminatory access to its Operations Support System (“OSS”). The comments provided by Forte concerns problems that Forte has routinely experienced over a period of months or even years.

Forte has been in repeated discussions with SBC regarding several deficiencies in SBC’s OSS systems. Although Forte has raised many of these problems at various forums, such as the CLEC User Forum, the OSS issues that it has identified have yet to be fully resolved. This has only served to compound Forte’s problems. As described herein:

- SBC's ordering system relies on out of date processes that pose a threat to Forte's ability to cost effectively run their business.
- SBC has never correctly billed Forte for services it has purchased.
- SBC fails to meet completion of almost twenty percent (20%) of Forte’s orders.
- SBC fails to properly tag lines and refuses to provide tone on the line to ensure service connectivity.

These issues have negatively impacted Forte’s ability to compete with SBC in Illinois and have been the subject of many hours and discussions with SBC, resulting in

¹ *Investigation concerning Illinois Bell Telephone Company’s compliance with Section 271 of the Telecommunications Act of 1996.* Illinois Commerce Commission, Docket 01-0662.

increased and needless delay to Forte's customers, the commitment of thousands of employee hours, and the resultant increased monetary cost to Forte.

Invalid Completion Notice

Pursuant to SBC's 13 state business practices and its OSS obligations in Illinois, SBC must timely inform a CLEC when an order for service to an end user is completed. The mechanism for this process is the electronic completion notice from SBC. After receiving the completion notice from SBC, Forte's end user customer often reports that there is no dialtone. When Forte receives a completion notice from SBC stating that a line order has been processed and the customer calls stating that there is no dialtone, Forte initiates a truck roll to the end user's location in order to perform a cross connect of the outside wiring to the inside wiring at the network interface. However, Forte's technician often discovers that there is no dialtone at the network interface – SBC's completion notice was invalid. Invalid completion notices from SBC directly affect Forte's ability to compete with SBC on equal footing.

Forte has tracked the percentage of invalid completion notices returned by SBC where no dial tone is present at the customer's network interface. From April 2003 to present, 19.63 percent of the time SBC's completion notice is invalid. In fact, this issue is getting worse, rather than better. Once it is discovered that there is no dialtone on the line, a repair order is placed with SBC. After SBC closes the repair order, Forte finds that approximately 10 percent of these repair orders show completion where, again, there is still no dial tone present.

Invalid completion notices greatly inconvenience Forte's end user customers. When SBC provides a completion notice to the CLEC, the CLEC's end user customer should have working service. However, when a completion notice is invalid, Forte must diagnose the problem, initiate a trouble ticket, wait for SBC to perform its work, and then perform another truck roll to the customer premises. During all this time Forte's end user customer is out of service. Extended customer outages reduce customer good will. Moreover, customers blame Forte for the inconvenience of being out of service.

Invalid completion notices also affect SBC's billing. When SBC provides a completion notice to a CLEC, SBC begins billing the CLEC for the line. This is irrespective of whether the completion notice is actually valid. Therefore, when SBC provides an invalid completion notice, SBC starts billing for service not actually received. Forte is competitively injured because it incurs costs that cannot always be recovered, plus it must spend hundreds of worker hours reconciling its bills and challenging overcharges.

Invalid completion notices greatly increase Forte's costs. After a customer reports no dialtone, Forte must initially perform a truck roll in order to diagnose the end user customer's problem. When Forte's technician discovers that the customer does not have dialtone at the network interface, Forte must initiate a trouble ticket with SBC and wait for SBC to complete work on its side of the network. Forte must then perform another truck roll after the trouble ticket has been resolved. This more than doubles the costs of the truck roll for Forte.

Although Forte currently receives compensation for invalid completion notices through SBC's performance remedy plan, that compensation is inadequate, especially in

light of the impossibility of compensating for the loss of CLEC customers' good will. Forte would much rather forego remedy plan compensation and have SBC perform its work right the first time. That result would benefit customers and save both companies added expense.

Tone on the Line

Forte submitted a CCR in the CLEC user Forum in May of 2002 requesting that CLECs have access to place tone on the line from the central office, just as SBC technicians are able to do when looking for a specific cable and pair. This is a very helpful diagnostic tool to locate a customer's new line in a multi-dwelling residence. At the CLEC user forum SBC has stated that since it does not perform a truck roll on every installation many new CLEC POTS installs are not tagged. Having tone on the line allows a technician the ability to move an inductive amplifier or "wand" over the binding posts until a tone is heard through the wand's speaker, thus locating a specific pair of wire out of possibly hundreds of wires.

In July of 2002, Forte successfully completed testing with SBC to place tone on the line to lines from SBC's four different switch types. This is the same system that SBC uses on a daily basis to put tone on the line for its customers. Although, the tests were successful, to date, Forte still is not allowed to use this functionality. In January 2003, tone on the line was dropped from the CLEC user forum agenda. Forte has escalated the problem, but to date Forte still does not have the ability to put tone on the line. Forte has a great many customers living in high-rise apartment buildings. Without tone on the line, it is highly labor intensive for Forte to ensure the identity of a line being

connected. SBC has the ability to call in to the central office and request that tone on line be placed to test it electronically. By comparison, CLECs must check every binding post to identify which binding post contains the new customer's line. Additionally, this information is not posted on the web tool bar until 24 to 48 hours after the order completes, further leaving CLECs out in the dark as to where new lines are located. Although cable and pair assignment is temporarily put on the web tool bar, it is not always correct. Whether it is correct or false, this information is removed from the web tool bar once the order completes. Cable and pair assignments, binding post information, and tone on the line are all available to SBC retail technicians and not available to CLECs at all or in a delayed or shortened time period, which only adds to the problem and adds expense to CLECs.

SBC's refusal to provide tone on the line to CLECs negatively impacts Forte's customers and impairs its ability to compete with SBC. In short, CLECs should have the same access to tone on the line that SBC technicians have. Such a solution would increase efficiency and reduce errors and the resultant customer delay.

CLEC access to tone on the line would not be an increased burden on SBC. As noted, SBC has had this capability for many years. SBC technicians are able to call in to the central office in order to request a tone on the line. By using an amplifier wand SBC's technician is able to isolate the correct wire out of 250 or more wires. This is a great time and money saver that SBC has denied CLEC access to even though the functionality is available to SBC technicians and the functionality has been tested with respect to CLECs.

CLEC access to tone on the line will not significantly increase SBC's costs. Moreover, Forte has stated that it is willing to pay SBC's reasonable costs associated with tone on the line in order to have access to the same functionality that SBC's technicians currently have.

Loss of Functionality -- Electronic "Un-reject"

SBC's LSOG 5 OSS withdrew essential functionalities that were available with LSOG 4. Under LSOG 4, if SBC invalidly rejected a CLEC order, SBC could "unreject" the order and have the LSC process it within 48 hours. Under LSOG 4, when SBC invalidly rejected a CLEC order, SBC would open a trouble ticket and send it to the LSC. Under LSOG 5, however, that functionality is no longer available and when SBC invalidly rejects a CLEC order (auto/auto), CLECs are forced to resubmit orders manually. This loss of functionality increases customer delay and adds to the costs incurred by Forte.

Currently, when SBC invalidly rejects a CLEC order, the CLEC must reissue the order to SBC even though it should not have been rejected in the first place. The reissued order is essentially placed on the bottom of the pile of new orders. Under LSOG 4 SBC essentially admitted its error by "unrejecting" the order and processing the order as originally submitted. Now, however, CLECs must resubmit the order manually and endure the associated delay.

SBC has the capability to open up trouble tickets and to have the orders worked in the LSC. In fact, if an auto/manual order is invalidly rejected, the order can be worked

by the LSC. In the case of an auto/auto invalid reject, however, SBC now forces CLECs to resubmit the order manually.

SBC non-electronic processes cause unnecessary delay to Forte customers because of SBC's requirement that invalidly rejected orders must be resubmitted manually. This SBC reliance on a manual process is threat to our operations going forward because it elevates business uncertainty. Forte is forced to use manual orders consisting of numerous pages of complex order codes, acronyms and proprietary SBC nomenclature initially taking up to 5 times longer to process than an electronic order. Additionally, the large quantity of pages in a single order almost guarantees that some pages will not get to their destination due to the inherent unreliability of mechanical paper fed fax machines. More delays are experienced as calls are made back and forth to follow up on each manual order often resulting in re-faxing the order until complete. During this whole process the customer's due date may be in jeopardy with no way for Forte to realize this until after it has passed. This process could delay the installation of a customer line for as long as two weeks or more. Forte moved to LSOG 5 in June 2003 and it has resulted in uncertainty and unnecessary and overly manual procedures. During the third week of July 2003, SBC invalidly rejected all new orders submitted for approximately two days. This was caused by a problem internal to SBC. While the problem was eventually fixed, Forte's fear is that SBC could initiate such a problem for a longer period. If all of Forte's orders were invalidly rejected for more than 5 days the workload and delay that would be created could threaten our company's existence due to canceled orders and lost productivity. Forte's fear is that small CLECs cannot plan on or properly staff for periods when SBC's systems fail causing large spikes in the amount of

manual procedures necessary to complete an order. Forte built to an electronic process to use the LSC. With SBC manual procedures the ILEC is forcing Forte to start over the ordering process in a manual mode taking more than 5 times longer to complete an order , Under the current system it is incumbent on Forte to staff-up merely for the "possibility" that all orders would need to be placed manually this is not an efficient way to do business.. No company can staff for the possibility that, without notice, their workload could be increased by five times or more for an indeterminate amount of time.

Manually resubmitting orders requires the company's highest paid employees to spend valuable time creating and tracking paper l orders, (which we are currently not staffed for) driving up our costs of doing business. With the potential for extended periods of manual ordering our company faces unpredictable additional staffing costs, cancelled orders, irreparable harm to our reputation among our customers and business partners and lowered productivity ultimately threatening the jobs of all of our employees.

Billing Complete

When an SBC service order completes, it goes through three stages of completion. The first stage is the actual completion, or 3C. 3C means that the order itself is completed in SBC's switch, although the Customer Service Record (CSR) will not update. Usually, within the next 24 hours, the order reaches another stage of completion. If there are any billing errors on the SBC service order (billing errors on SBC's end), the order goes into a "completed with errors" stage, or 3E. Again, the SBC service order is completed, but because of these errors, the CSR is not yet updated. When these errors are finally corrected on SBC's end, the order will go to the third and final stage of

completion, or 3U. The "U" in 3U means "Update," and that is when the CSR is actually updated to reflect the changes of that service order.

Previously, SBC would send Forte a completion notice as soon as the service order reached the 3C stage. However, with the introduction of LSOG 5, SBC has changed its policy to send CLECs, in essence, two completion notices. The first one is actually the Service Order Completion (SOC) notice, which actually leaves Forte's orders in an "Accepted" status, instead of a completed status. Forte then has to wait at least 24-48 hours for the order to reach a 3U status. At this point SBC sends the CLEC a second completion notice, changing the status of our PON from "Accepted" to "Completed."

With previous LSOG versions, Forte was able to send subsequent orders on an account, as soon as the service order completed (3C). Now, however, SBC requires CLECs to wait the 24-72 hours to send subsequent orders. This is significant when Forte does its monthly suspension of non-paying customers. If Forte suspends a customer for non-payment one day, and the customer pays the bill the next day, it used to take Forte 2-24 hours to re-establish their service. Now, under LSOG 5, it could take Forte up to 72+ hours to restore their service. Also, to further complicate the matter, Forte's orders are often worked by representatives at SBC that are familiar with the old procedure. Because the representatives are not familiar with SBC's new procedures, Forte often ends up with multiple suspend and restore orders all in an "Accepted" status, and it makes it rather complicated to figure out what is actually going on with that customer.

Another way SBC's LSOG 5 functionality becomes a problem is if a Forte employee makes a mistake and puts a customer in at the wrong address. With previous versions of LSOG Forte was able to respond immediately and submit another order to

move the customer as soon as the employee realized its mistake. Unfortunately, with LSOG 5, SBC requires Forte to wait at least 24-72 hours for the order to reach the 3U stage, thus forcing our end users to wait that much longer to get their service.

Finally, SBC sends the billing complete information late, and in some cases Forte gets the message months later. Thus Forte does not have up to date information, and is unable to synchronize the conflicting information and may not know what amount to bill the end user.

Billing Issues – UNE-P

For billing issues Forte has been injured monetarily, through numerous employee hours spent resolving SBC caused problems. Incorrect billing is a monthly occurrence and negatively effects Forte's ability to compete in the market. Over the past two years SBC problems have resulted in over 25-35 % of SBC invoices being overstated. SBC systems have caused billing problems for Forte since May of 2001. SBC has recently been crediting Forte and thus acknowledges where the problems stem from. In reviewing its latest July 2003 bills Forte finds that SBC's poor performance is continuing.

On a monthly basis Forte receives hundreds of incorrect UNE-P bills. Forte must spend limited resources auditing SBC bills, calculating the errors, disputing the bills, and resolving the disputed amounts with SBC personnel. SBC's billing errors also effects Forte's end user customers. Forte's customers are inconvenienced especially when SBC is late in submitting corrected bills, and diminishes customer goodwill between Forte and its customer even though the billing error is SBC's fault. Forte has never received an accurate bill. A brief description of UNE-P billing issues is detailed below:

Billing issues for UNE-P

- Billed NRC Port charges for converting lines form resale to UNE –P.
- Double billing for the same circuit in different parts of the monthly bills.
- Over charges for installation on converted lines
- Incorrect DUF rate
- Incorrect usage bills
- Incorrect NRCs and MRCs